

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MATHEW MARTOMA,

Defendant.

No. 12-cr-00973 (PGG)
ECF Case

**DECLARATION OF RICHARD M. STRASSBERG IN SUPPORT OF
DEFENDANT MATHEW MARTOMA'S MOTION TO EXCLUDE EVIDENCE OF THE
MANNER IN WHICH SAC SOLD ELAN AND WYETH SECURITIES OR,
ALTERNATIVELY, TO ADMIT SELECTED PORTIONS OF
STEVEN COHEN'S SEC TESTIMONY**

(MR. MARTOMA'S MOTION *IN LIMINE* NO. 3)

I, Richard M. Strassberg, declare under penalty of perjury as follows:

1. I am a member of the law firm of Goodwin Procter LLP, attorneys for Defendant Mathew Martoma in this action. I have personal knowledge of and am fully familiar with the facts and circumstances set forth herein by virtue of both my representation of Mr. Martoma and my review of the case file in this action. I submit this declaration in support of Mr. Martoma's Motion to Exclude Evidence of the Manner in Which SAC Sold Elan and Wyeth Securities, or, Alternatively, to Admit Selected Portions of Steven Cohen's SEC Testimony.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of the May 3, 2012 deposition testimony of Steven A. Cohen in *In re Elan Corporation, plc*, File No. NY-8152.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the transcript of the July 17, 2012 deposition testimony of Phillipp Villhauer in *In re Elan Corporation, plc*, File No. NY-8152.

4. Attached hereto as Exhibit C is a true and correct copy of Securities and Exchange Commission Enforcement Manual § 5.2.1, entitled *Parallel Investigations*, and effective August 2, 2011.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on December 6, 2013
New York, NY

/s/ Richard M. Strassberg
Richard M. Strassberg (RS5141)

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2013, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon all non-CM/ECF participants.

/s/ Richard M. Strassberg
Richard M. Strassberg (RS5141)